

Briefing Paper

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Subject: Proposal for DEQ to Oversee Early Design and Cleanup Work at the Willamette Cove Area within the Portland Harbor Superfund Site

The Oregon Department of Environmental Quality (DEQ) is seeking approval to oversee early Remedial Design (pre-RD) and eventual remedy implementation at the Willamette Cove area within the Portland Harbor Superfund Site. Criteria considered in selecting this site for early cleanup include its high priority status, relatively limited extent of contamination, central location within Portland Harbor, environmental justice concerns, importance to the community and anticipated willingness of performing parties to expedite cleanup. DEQ is also seeking conceptual approval of doing similar work at the RM11E area in order for the Agencies to consult with possible performing parties and other stakeholders about the viability of performing pre-RD.

The primary goal of DEQ overseeing pre-RD is to expedite cleanup, which could be achieved several years sooner than the alternative approach of beginning the design process after the Record of Decision (ROD) is issued (currently expected in 2017). DEQ would closely track the development of the feasibility study (FS) and Proposed Plan with EPA and partners during pre-RD, and EPA would provide support to DEQ, similar to our roles and responsibilities for upland source control sites. Key documents would be submitted to EPA and partners for review and comment resolution. EPA comments would be limited to issues of consistency with the Portland Harbor remedial investigation, FS and Proposed Plan as those documents are developed. EPA would not "approve" pre-RD documents nor comment on issues relating to the Portland Harbor ROD prior to it being finalized.

Pre-RD would be based on the FS and EPA's conceptual remedy which is scheduled to be made public in summer or fall 2015, prior to EPA meeting with the National Remedy Review Board in November 2015. The pre-RD would be modified, if necessary, when EPA issues the Proposed Plan in early 2016 and the remedial design would be finalized when EPA issues the ROD in 2017. DEQ would request EPA's approval or concurrence of the final design following EPA's issuance of the ROD.

Pre-RD would be done under State regulatory authority, with DEQ as the oversight agency. DEQ would not issue a State ROD for in-water sediments at these sites since the pre-RD would be based on EPA's soon to be released conceptual remedy and not too distant Proposed Plan. This also eliminates the potential confusion and procedural issues that would result from two simultaneous remedial decision processes.

Additional information on Willamette Cove and RM11E, such as a detailed project schedule, site photos and maps are provided in the accompanying PowerPoint presentation.

Willamette Cove:

The Willamette Cove site is located at approximately RM 6.8 on the east bank of the Willamette River, in the central portion of Portland Harbor. It lies immediately downstream of the McCormick and Baxter Superfund site where DEQ is the lead Agency in overseeing cleanup of the groundwater, upland and sediment operable units (OUs). The 27-acre Willamette Cove property contains approximately 3000 feet of riverbank, and is wholly-owned by Metro (a Portland-area governmental agency). Under a voluntary agreement with DEQ, a remedial investigation has been completed by the Port of Portland (a former owner/operator for a portion of the site). The investigation identified risks associated with elevated concentrations of dioxins, metals and other contaminants. A draft feasibility study submitted to DEQ in 2014 proposes a combination of excavation and capping to address upland and riverbank contamination. In addition, a limited soil hot spot removal action is planned for early 2015. Metro and the Port have expressed interest in completing remedial action for both the upland and in-water contamination in a single phase, which would include reconfiguration of the riverbank and extensive NRD habitat restoration. In addition to upland work including a source control evaluation, the Port is currently compiling sediment and lower riverbank data.

DEQ is supporting this effort with Dan Hafley as the project manager. If the in-water portion of the Willamette Cove area is overseen by DEQ, the agency would augment its project team with Jennifer Sutter and Erin McDonnell to provide sediment expertise and engineering support.

DEQ proposes entering into a consent order or similar document with the Port and/or Metro to perform pre-RD based on EPA's conceptual remedy for Portland Harbor. Pre-RD would encompass upland, riverbank and in-water areas. It would also integrate the remedial action with the NRD habitat restoration. Pre-RD would consist of additional sediment and riverbank data collection, engineering analyses, permitting and preparation of design plans and specifications. Work would proceed in three phases culminated by a Basis of Design (BOD) report, a draft final design package and a final design package. The draft BOD report would be submitted to DEQ three months after EPA is scheduled to issue the Proposed Plan and the design package would be finalized immediately after EPA issues the ROD.

Remedial Action (RA) would proceed under a consent judgment or similar document, which would be negotiated while the remedial design is being finalized. RA would include procurement of construction contractors, preparation of construction documents and procurement and mobilization of materials, equipment and subcontractors. DEQ anticipates construction occurring during the in-water work window of summer 2018. If necessary, a second construction season would occur during summer 2019.

RM11E:

The RM11E area is located on the east bank of the Willamette River between the Fremont and Broadway bridges. It is the most up-river area within Portland Harbor, containing high levels of PCBs in sediment, and poses a threat of downriver recontamination if not cleaned up early. Land use consists of active import/export marine facilities owned by Ross Island Sand & Gravel, CalPortland and Cargill. Current upland sources have been largely controlled and should not impede remedy implementation. Current information indicates that contamination is limited to near shore sediments with minimal impacts in the riverbank and upland areas. Extensive data have been collected to date. Potential responsible parties include CalPortland, Cargill, CBS, City of Portland, Dill Trust and

PacifiCorp. These parties are working with EPA under an administrative order on consent to collect supplemental data to better support remedial design.

DEQ is supporting this effort with Dan Hafley as the project manager. If the in-water portion of the area is overseen by DEQ, the agency would assign project management to Chuck Harman and augment its project team with Jennifer Sutter and Tom Gainer to provide sediment expertise and engineering support.

If DEQ were to pursue approval for conducting pre-RD at the RM11E area, the agency would enter into a consent order or similar document with one or more of the RM11E PRPs. It would be a matter of negotiation as to when EPA's administrative order on consent would be terminated. As with Willamette Cove, pre-RD would be based on the Portland Harbor FS and EPA's conceptual remedy. The design would be finalized shortly after EPA issues the ROD. Construction would be targeted for summer 2018.

Challenges:

DEQ does not envision insurmountable technical or engineering challenges with either area in that they are similar to other recent DEQ sediment sites (e.g., Zidell, McCormick & Baxter, Columbia Slough, Astoria Marine Construction Company). Integration of the remedial action and the NRD restoration will be challenging at Willamette Cove, particularly along the shoreline. RM11E is an active import/export marine terminal which will present logistical challenges during construction. Much of the riverbank and the aged Cargill dock have structural issues that will need to be taken into account. Extensive debris is also present in near-shore areas.

Other challenges are anticipated to be gaining support from Tribal and government partners and community members, who have not been accustomed to working with DEQ in providing oversight of in-water work. Performing party interest with RM11E is also unclear at this time.

Next Steps:

DEQ and EPA propose to jointly inform and consult with a wide range of parties to understand concerns, consider appropriate proposal modifications and hopefully gain support:

- Develop briefing materials and communications/outreach plan – next 2 weeks (mid February)
- Further define DEQ/EPA roles and responsibilities – late February/early March
- Report back to Governor's Office – late February
- DEQ/EPA hold in-person meeting with MOU Partners – early March
- DEQ continue discussions regarding Willamette Cove with the Port and Metro, work towards DEQ/EPA/Port meeting to develop next steps – early March
- Report back to congressional delegation – mid March
- DEQ initiate discussions with RM11E AOC signatories (City, PacifiCorp, Cargill, CBS) – March/April
- DEQ/EPA engage other stakeholders – March/April:
 - Natural Resource Trustee Council
 - Yakama Nation
 - CAG
 - Community and environmental advocates (Willamette River Keepers, Audubon Society, etc)

- Lower Willamette Group
- Amend State-Federal MOU as appropriate – May/June

Issues Requiring Additional Discussion:

- What will be roles, responsibilities and funding of EPA, MOU Partners?
- Should EPA/DEQ compel PRPs to perform if they are reluctant on these two high priority sites and what would/could be compelled?